

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)**

**MONDAY, THE EIGHTEENTH DAY OF APRIL
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO: 18377 OF 2022

Between:

Smt. Kopela Graisamma, W/o. Samuel, Aged 39 years, Occ. Daily wage Labour, Caste. SC (Mala), R/o. Puttakota Village, Khammam Urban Mandal and District.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary Home Department, Secretariat, Hyderabad, Telangana.
2. The District Collector, Khammam District.
3. The Commissioner of Police, Khammam Commissionerate, Khammam.
4. The Station House Officer, Khanapur Haveli Police Station, Khammam District.
5. G. Rama Rao, S/o. not known to petitioner, Aged major, Occ. Constable (PC 493), Sathupally Police Station, Khammam District.
6. D. Kumara. Swamy, S/o. not known to petitioner, Aged major, Occ. SI of Police, Presently working at CAR Head Quarters, Khammam District.
7. V. Srinivas, S/o. not know to petitioner, Aged major, Occ. SI of Police, Khanapuram Haveli, Khammam District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of MANDAMUS declaring the action of the 7th respondent in not registering the complaint filed by the petitioner under the provisions of Section 3(1)(g), (r) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015 and

registering only under Sections 294(b), 323, 420, 506 R/w 34 IPC vide Crime No. 234/2020 dated 18.07.2020 registered with the 4th respondent police station as arbitrary, illegal, bad in law, violative of Article 19 and 21 of the Constitution of India and also against the provisions of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015, and consequently direct the 3rd respondent to transfer the Crime No. 234 dated 18.07.2020 to any office not below the rank of ACP conducting further investigation by registering the crime under Section 3(1)(g) and (r) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015, further direct the 3rd respondent to register the crime for the offences under Section 4(1) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015 against the respondent no. 5 to 7 for not registering the Crime with appropriate sections and also for not conducting investigation and helping the accused, further direct the respondent no. 3 to initiate disciplinary action against the respondent no. 5 to 7 in terms of the report vide C.No. 101/Addl. DCP (A)-KMM /2021 dated 24.12.2021 of the Dy. Commissioner of Police, Khammam submitted to 3rd respondent in the case of HRC Case No. 5813/2021 dated 22.11.2021, and pass

IA NO: 2 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased by directing the 3rd respondent to register the crime for the offences under Section 4(1) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015 against the respondent no. 5 to 7, with a consequential direction to the respondent no. 3 to initiate disciplinary action against the respondent no. 5 to 7 in terms of the report vide C.No. 101/Addl. DCP (A)-KMM/2021 dated 24.12.2021 of

the Dy. Commissioner of Police, Khammam submitted to 3rd respondent in the case of HRC Case No. 5813/2021 dated 22.11.2021 and pass

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 3rd respondent to transfer the Crime No. 234 dated 18.07.2020 to any office not below the rank of ACP conducting further investigation by registering the crime under Section 3(1)(g) and (r) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015, and pass

Counsel for the Petitioner : SRI. P V L BHANU PRAKASH

Counsel for the Respondents : GP FOR HOME

The Court made the following : ORDER

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION No. 18377 of 2022

ORDER:

This Writ Petition is filed questioning the action of the 7th respondent in not registering the complaint filed by the petitioner under the provisions of Section 3(1)(g)(r) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 2015 (for short, 'the Act') and registering only under Sections 294(b), 323, 420 and 506 read with Section 34 IPC *vide* Crime No. 234 of 2020 dated 18.07.2020. The petitioner seeks a consequential direction to the respondents to transfer Crime No. 234 of 2020 dated 18.07.2020 to any office not below the rank of Assistant Commissioner of Police for conducting further investigation and also a direction to the 3rd respondent to initiate disciplinary action against Respondents 5 to 7 in terms of the report dated 24.12.2021 of the Deputy Commissioner of Police, Khammam.

2. Learned counsel for the petitioner Sri P.V.L. Bhanu Prakash submits that the petitioner has lodged a complaint against Sri Avula Mohan Reddy and others in the 4th respondent police station. It is stated that though the action of the accused therein attracts the provisions of the Act, the police registered the complaint in such a way so that the said offences are not attracted

and a crime is registered under Sections 294(b), 323, 420 and 506 read with Section 34 IPC, even though Section 294(b) does not attract. He further submits that after registering the crime, the matter was assigned to the 6th respondent for investigation and filing the report before the jurisdictional magistrate. He submits that the 5th respondent, who is working as police constable in Task Force, Khammam forcefully removed the boundary stones erected by the petitioner and he purchased the land in the name of his wife and started interfering with the said land with the help of Respondents 6 and 7 and also with the help of Sri Avula Mohan Reddy and Respondents 5 and 6 hatched up a plan to knock away the land owned by the petitioner. It is stated that Respondents 5 to 7 working in various capacities in the police department, being instrumentality of the State, are duty-bound to discharge the statutory obligations cast upon them and instead of discharging their duties legitimately and conducting the investigation in an unbiased manner, had colluded with the accused Sri Avula Mohan Reddy and others. Learned counsel submits that basing on the complaint given by one Sri Avula Mohan Reddy, the Deputy Commissioner of Police has conducted a detailed investigation and submitted a report dated 24.12.2021 wherein it is stated that the audio conversation is alleged to be the voice of Kumara Swamy, the 6th respondent herein for which the

petitioner has screen shots. It is further stated therein that the said Kumara Swamy colluded with Sri Rama Rao, Constable and insisted the petitioner to sell Ac.1.00 of land which was in the name of his son which is adjacent to the land already purchased by Sri Rama Rao from Sri Avula Mohan Reddy and a detailed report is submitted wherein it is stated that departmental action must be taken against them for indulging in illegal acts and settlement of money matters of the petitioner as well as demanding and accepting money from the petitioner as they have taken advantage of the petitioner's problem and involved in civil matters. Further, the police constable i.e. the 5th respondent also did not obtain permission from the competent authority to purchase the land on his wife's name. Learned counsel submits that in spite of this, no action has been initiated against these people. Hence, the petitioner is constrained to approach this Court.

3. Sri S. Rammohan Rao, learned Assistant Government Pleader for Home, on written instructions received from the Commissioner of Police, Khammam, submits that already departmental action has been initiated against Respondents 5 and 6 basing on the enquiry report dated 24.12.2021 by serving the memorandum of charges dated 22.02.2022 against Respondents 5 and 6. It is submitted that the police will take appropriate action.

4. The relief sought by the petitioner is that 1) cases ought to have been registered under the provisions of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act; and 2) to take action basing on the report of the Deputy Commissioner of Police on Respondents 5 to 7. As far as registering the crime under Section 3(1)(g)(r) of the Act is concerned, this Court cannot go into all those issues and the petitioner's remedy lies elsewhere. As far as taking action against Respondents 5 to 7 is concerned, as per the report of the Deputy Commissioner of Police, he has only stated about the involvement of Respondents 5 and 6 but nothing has been stated against the 7th respondent.

5. In the light of the submissions made by the learned Assistant Government Pleader for Home, as already the police have initiated departmental action on Respondents 5 and 6, the Writ Petition is disposed of. There shall be no order as to costs.

6. The miscellaneous Applications, if any shall stand closed.

//TRUE COPY//

SD/-K. AMMAJI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The State of Telangana, Rep. by its Principal Secretary Home Department, Secretariat, Hyderabad, Telangana.
2. The District Collector, Khammam District.

3. The Commissioner of Police, Khammam Commissionerate, Khammam.
4. The Station House Officer, Khanapur Haveli Police Station, Khammam District.
5. G. Rama Rao, S/o. not known to petitioner, Aged major, Occ. Constable (PC 493), Sathupally Police Station, Khammam District.
6. D. Kumara. Swamy, S/o. not known to petitioner, Aged major, Occ. SI of Police, Presently working at CAR Head Quarters, Khammam District.
7. V. Srinivas, S/o. not know to petitioner, Aged major, Occ. SI of Police, Khanapuram Haveli, Khammam District
8. One CC to SRI. P V L BHANU PRAKASH Advocate [OPUC]
9. Two CCs to GP FOR HOME ,High Court for the State of Telangana At Hyderabad. [OUT]
10. Two CD Copies
11. One Spare Copy

MSL

SW



HIGH COURT

DATED:18/04/2022

ORDER

WP.No.18377 of 2022



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

(13)
13/9/22
Hv+